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INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 0759

C O N F I D E N T I A L SECTION 01 OF 02 BAKU 001435

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E.O. 12958: DECL: 11/30/2017

TAGS: PHUM PGOV PREL PINS SOCI AJ

SUBJECT: TWO HIGH-PROFILE DEATH CASES AT MOJ MEDICAL FACILITY

REF: A. BAKU 1039

1B. BAKU 1037

Classified By: A/DCM JOAN POLASCHIK PER 1.4(B,D)

1. (C) SUMMARY: On November 18, 33 year-old former opposition member Faina Kungurova died at the Ministry of Justice Boyuk Shore medical facility. Kungurova had been on a long-term hunger strike close to the time of her death, and was described as being extremely nervous in her final days. The GOAJ determined the official cause of death to be heart failure, but human rights activists are concerned that the mysterious circumstances surrounding her death and previous arrests could indicate foul play. Separately, on November 19, 74 year-old Mutafakkir Construction Company Director General Ali Muradov died in the same medical facility. Muradov was arrested in connection with the August collapse of a high-rise building in Baku, and was reported to have been a very sick man who had suffered two heart attacks prior to his arrest. While these cases received widespread press coverage, human rights activist Elchin Behbudov said that deaths in the Boyuk Shore facility are common, and reported 46 death cases to date in 2007, most believed to be from natural causes. END SUMMARY

FAINA KUNGUROVA

12. (C) On November 18, 33 year-old Faina (also known as Farida) Kungurova died at the Ministry of Justice (MOJ) Boyuk Shore Medical facility at approximately 1100. Kungurova's death was not reported by the press until several days later, and the circumstances surrounding her final days remain murky. Azerbaijan Committee against Torture Chair Elchin Behbudov investigated the case, and reported that an MOJ medical expert had conducted an autopsy on Kungurova's corpse and determined the official cause of death to be heart failure. According to Behbudov, after starting a hunger strike on October 9, Kungurova had been transferred to the medical facility on October 19. Kungurova's hospital roommates told Behbudov that she had begun eating after a day or two in the facility, but on the morning of her death, had started shouting that her heart hurt. The roommates described Kungurova as a "nervous person" with whom no one could reason. Behbudov said that Kungurova's sister examined her body prior to burial, and found no outward signs of trauma, but saw marks from recent injections. Physicians had prescribed medication for depression and paranoia, but it is unclear if Kungurova had been receiving medications or nourishment intravenously.

13. (C) At the time of her death, Kungurova was serving a prison sentence on a conviction of narcotics possession. Her cellmates also described her as a "nervous person," who always shouted that she had been imprisoned unfairly, and

that her arrest was orchestrated by Russian President Vladimir Putin. Prior to her arrest, Kungurova was an active member of the opposition Azerbaijan Democratic Party. According to Behbudov, in October 2005, Kungurova had jumped into the street in front of President Aliyev's motorcade. She was carrying a photograph of exiled former Speaker of Parliament Rasul Guliyev, who shortly after this incident attempted to return to Azerbaijan to run in the November 2005 parliamentary elections. She was arrested, and released a few days later after Behbudov intervened; however, she was picked up again several days later and charged with narcotics. Behbudov said that he knew Kungurova, and she was not a drug user; he was certain the narcotics had been planted. While Behbudov was unable to uncover any proof that Kungurova's death was the result of unnatural causes, he told Poloff he was suspicious, and he was certain that had Kungurova not been arrested on the fabricated charges, "she would still be alive today."

¶4. (SBU) Kungurova previously had been arrested in 2002 on charges of malicious resistance to a lawful order of a police or military official and "hooliganism." She reported having been beaten in detention several times in 2002. Kungurova was included on a Council of Europe (COE) list of potential political prisoners, and released by presidential pardon in January 2004. In the explanatory memorandum of the COE's last resolution on political prisoners in January 2004, Kungurova's case is referenced:

"F. K(h)ungurova has been an activist in the 'ADP' party ("Azerbaijan Democratic Party") since 2001. Her propaganda activities seem to embarrass the current authorities, who are alleged to have asked her to end these activities and to sign a statement asserting that Rasul Guliyev had forced her to

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take part in demonstrations and to falsify accounts. Given her refusal, she was detained in the women's prison, then transferred to Gobustan high security prison (the only woman to have been kept there), where she was apparently placed in the "karger" for disciplinary reasons, and finally transferred to the central hospital, where the delegation of the joint working group met her and where she was considered as mentally deranged and was being treated for this. She is currently serving her sentence in the women's prison.

¶5. F. K(h)ungurova has refused to sign the compromise that she has been offered, and intended to lodge an appeal, then bring an application before the Supreme Court."

¶5. (C) After exhausting the domestic appeals process, Kungurova filed a lawsuit with the European Court of Human Rights (ECHR). Elman Osmanov, the attorney who had represented Kungurova at the time she filed the lawsuit, told us that she had behaved strangely, apparently changing her mind on the lawsuit when he believed they were about to win. Kungurova refused to cooperate, and Osmanov dropped her as a client in the summer of 2005. Osmanov said that Kungurova was convinced she would be granted political asylum in Norway, and was afraid pursuing the lawsuit would somehow prevent this from happening. In an April 2006 ruling, the ECHR dismissed Kungurova's case because, according to COE Special Representative to Azerbaijan Denis Bribosia, "she had clearly and repeatedly indicated her intention to withdraw the application."

ALI MURADOV

¶6. (SBU) Separately, on November 19, 74 year-old Mutafakkir Construction Company Director General Ali Muradov died at the Boyuk Shore medical facility at approximately 0215. Muradov had been arrested in connection with the August 28 collapse of a high-rise building in Baku, which resulted in the death of 26 persons (ref a). Muradov's death appears most certainly to have been from natural causes. Human rights

activists report that Muradov was a very sick man who had suffered two heart attacks prior to imprisonment. According to Behbudov, Muradov and his family had known he was close to death, particularly after he lost sensation in his limbs. Many prominent human rights activists had appealed to the GOAJ to release Muradov, to no avail.

COMMENT

17. (SBU) Public commentators remain critical of the mysterious conditions surrounding Kungurova's death, while commentary on Muradov's case focuses on the GOAJ's failure to allow a very sick, elderly man to die at home. While these two death cases received widespread press coverage, Behbudov stated that death in the MOJ Boyuk Shore medical facility is a common occurrence; he reported 46 deaths in 2007 alone, most believed to have been from natural causes. Conditions in Azerbaijan's prisons remain a cause for concern (ref b). Many who go in healthy develop serious conditions, and those with pre-existing medical problems are almost certain to become worse in detention. We will report separately on conditions in specific prisons, and will continue to monitor local reaction to these death cases.

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